

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION

## ORDER

Plaintiff Kenneth Andrew Colbaugh initiated this action following the death of his wife, Tabatha Marie Colbaugh (“decedent”) while she was in the custody of Meigs County Sheriff’s deputy Robert J. Leonard (“Deputy Leonard”) [Doc. 1]. Mr. Colbaugh asserts a civil rights claim for violation of the Fourteenth Amendment and various state law claims, including wrongful death. Prior to Mr. Colbaugh initiating the instant action, Nathan Alexander Smith, the decedent’s adult child, brought a separate action against Meigs County and Deputy Leonard alleging similar claims. *See* Case No. 1:24-CV-00104. Mr. Colbaugh now seeks to consolidate the two cases, pursuant to Fed.R.Civ.P. 42(a)(2) [Doc. 13].

Rule 42(a) permits the Court to consolidate cases that present common questions of law or fact. Here, both cases arise from the same incident—the alleged civil rights violation and wrongful death of the decedent. Moreover, the lead plaintiffs in both cases assert a statutory right of action under Tennessee law. Thus, both cases present common questions of law and fact. Accordingly, Mr. Colbaugh’s motion [Doc. 13] is **GRANTED**. It is hereby **ORDERED** that *Nathan Alexander Smith v. Meigs County Government, et al.*, No. 1:24-CV-104 shall be consolidated with *Kenneth*

*Andrew Colbaugh, et al. v. Meigs County Sheriff's Department, et al.*, No. 1:24-CV-151. It is further **ORDERED** that the instant action, Case No. 1:24-CV-151 **SHALL SERVE** as the lead case for purposes of this consolidation and all future filings shall **only** be made in Case No. **1:24-CV-151**.

**SO ORDERED:**

s/ Clifton L. Corker  
United States District Judge